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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,338	07/01/2003	George Grech	4623C0051DVB	3721
27572	7590	04/02/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			LE, HUYEN D	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

3751

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,338

Applicant(s)

GRECH ET AL.

Examiner

Huyen Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/03/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II, claims 26-28, in Paper filed 3/16/2004 is acknowledged. It is noted that claims 1-28 have been cancelled and new claims 29-36 have been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Machon, Sr. (4,515,398).

The Macho, Sr. reference discloses a toilet comprising a bowl 10 including a discharge opening and a downwardly extending tubular member 12 associated with the discharge opening; an annular flange member 15 for sealing arrangement with the discharge pipe, the annular flange member 15 defining an aperture; a slip tube 30 having a first end coupled to the downwardly extending tubular member 12 and a second end extending into the aperture of the annular flange member 15; and a seal member 42 disposed between the second end of the slip tube 30 and the aperture of the annular flange member 15, the seal member 42 operable to seal the slip tube 30 relative to the annular flange member 15 when the slip tube 30 extends into the aperture.

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Regarding claim 30, the slip tube has top and bottom ends and annular seals 44,42 at the top and bottom ends in sealing engagement with the annular flange member, respectively.

Regarding claim 31, the slip tube 30 has top and bottom ends, the top end being larger in diameter than the bottom end.

Regarding claim 32, the sealing member 42 circumferentially surrounds the second end 41 of the slip tube 30.

Regarding claim 33, the sealing member 42 allows the slip tube 30 to be adjustably positioned relative to the aperture to accommodate size variations of the bowl.

Regarding claim 34, the sealing member 42 is constructed of rubber.

Regarding claim 35, the slip tube 30 operates as a vertical extension between the tubular member 12 and the annular flange member 15.

Regarding claim 36, the first end of the slip tube 30 telescopically receives the discharge opening.

4. Claims 29-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Sisk (1,878,195).

The Sisk reference discloses a toilet comprising a bowl 10 including a discharge opening and a downwardly extending tubular member (in Figure 3) associated with the discharge opening; an annular flange member (at the upper end of member 12) for sealing arrangement with the discharge pipe, the annular flange member defining an aperture; a slip tube 16 having a first end coupled to the downwardly extending tubular

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member and a second end extending into the aperture of the annular flange member; and a seal member 28 disposed between the second end of the slip tube 16 and the aperture of the annular flange member, the seal member 28 operable to seal the slip tube 16 relative to the annular flange member when the slip tube 16 extends into the aperture.

Regarding claim 30, the slip tube has top and bottom ends and annular seals 34 and 28 at the top and bottom ends in sealing engagement with the annular flange member, respectively.

Regarding claim 31, the slip tube 16 has top and bottom ends, the top end being larger in diameter than the bottom end.

Regarding claim 32, the sealing member 28 circumferentially surrounds the second end 16a of the slip tube 16.

Regarding claim 33, the sealing member 28 allows the slip tube 16 to be adjustably positioned relative to the aperture to accommodate size variations of the bowl.

Regarding claim 34, the sealing member 28 is constructed of rubber.

Regarding claim 35, the slip tube 16 operates as a vertical extension between the tubular member and the annular flange member.

Regarding claim 36, the first end of the slip tube 16 telescopically receives the discharge opening.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Fernie et al, Schweitzer, Forster and Delanoy references show toilets having slip tubes.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 703-306-5504. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL
March 30, 2004



GREGORY L. HUSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700